

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Thomas L. Clubb Attorney Docket: EV31030US
Serial No.: 10/724,816 Group Art Unit: 3767
Filed: December 1, 2003 Examiner: Elizabeth MacNeill
For: RAPID EXCHANGE CATHETERS WITH TANDEM LUMENS

**NOTICE OF APPEAL FROM THE EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner dated October 28, 2008, finally rejecting claims 1, 3 to 6, 12 to 29, 33, 35, 36, 38, 42, 43, 45 to 48, 50 to 53, 59 to 65, 69, 71 and 72.

Please charge Deposit Account No. 16-2312 in the amount of \$670.00 to cover the fee for filing a Notice of Appeal (\$540.00) and the fee for a one-month extension of time (\$130.00). If additional time is required, please consider this a conditional petition therefor. It is believed that no additional fees are due in connection with this Petition. If this is incorrect, however, please charge any additional fees to Deposit Account No. 16-2312.

Respectfully submitted,

Date: February 25, 2009

By /Patrick J. O'Connell/

Customer No. 009561

Terry L. Wiles (29,989)

Patrick J. O'Connell (33,984)

POPOVICH, WILES & O'CONNELL, P.A.

650 Third Avenue South, Suite 600

Minneapolis, MN 55402

Telephone: (612) 334-8989

Attorneys for Applicant

poconnell@pwolaw.biz

Certificate of Electronic Transmission (37 C.F.R. § 1.8)

I hereby certify that this paper is being transmitted to the U.S. Patent and Trademark Office electronic filing system on the date indicated below.

Date: February 25, 2009

Signature: /Jodi Jung/

Name: Jodi Jung